

**APPROVED
CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA**

MINUTES

**August 25, 2005 - 1:30 pm
Seminole County Services Building – Room 1028
1101 East First St, Sanford FL**

I Call to Order

The scheduled meeting of the Seminole County Code Enforcement Board was called to order at 1:30 p.m. in the Seminole County Services Building, Room 1028, 1101 East First St, Sanford FL.

A few moments of silence were held followed by the Pledge of Allegiance.

II Pledge of Allegiance

III Roll Call

Members Present: Tom Hagood, Chair
Jay Ammon, Vice Chair
Bill Fahey
Grace Chewning

Members Excused: Stewart Fritz
Gerald Ames

Present & Sworn: Thomas Demps, Respondent, 01-115-CEB
Rubie Pettway, Respondent, 02-23-CEB
Anabelle and George Diaz, Respondents, 04-26-CEB
& 05-59-CEB
Carolea Oliver, Respondent, 05-58-CEB
Gail Charles, Respondent, 05-60-CEB
Deborah Leigh, Senior Code Enforcement Officer, SCSO
Jerry Robertson, Code Enforcement Officer, SCSO
Donna Wisniewski, Code Enforcement Officer, SCSO
Dorothy Hird, Code Enforcement Officer, SCSO
Joann Davids, Code Enforcement Officer, SCSO
Pamela Taylor, Code Enforcement Officer, SCSO
Brian M. Walker, Planner, Development Review

Others Present: Yvette Brown, Code Enforcement Board Attorney
Sarah Kersey, Clerk to the Code Enforcement Board
Connie R. DeVasto, Planning and Development

Introduction: Sarah Kersey, Clerk to the Code Enforcement Board.

IV Swearing in of Witnesses

George Waxler, Brother of Respondent, 05-54-CEB
Ted Charles, Son of Respondents, 05-60-CEB
Allison Jones, Tenant of Respondents, 05-60-CEB

V Agenda Update & Approval

The published agenda was revised to allow respondents and witnesses present at today's hearing to be heard first. The remaining cases would then be heard in the order originally published.

MOTION BY JAY AMMON, SECONDED BY GRACE CHEWNING, TO APPROVE THE PUBLISHED AGENDA.

**TOM HAGOOD – YES
BILL FAHEY – YES
JAY AMMON – YES**

GRACE CHEWNING – YES

MOTION CARRIED 4 – 0.

The following cases will not be heard today:

Claretha Roux, 05-06-CEB, Continued by Staff
Fertakis International, 05-38-CEB, Continued by Staff
Christopher Schultz and Charles H. Thompson, 05-53-CEB,
Continued by Staff
Collison Holding Co.; Gregory L. Collison, 05-61-CEB,
Complied prior to hearing

Case No: 01-115-CEB
Thomas Demps, Jr. and
Jacquelyn A. Demps
Code Enforcement Officer: Dorothy Hird
Complaint No. 01-08-120

Repeat Case

The Board heard the original violation on December 6, 2001 and entered a Findings of Fact, Conclusions of Law and Order giving the Respondents a compliance date of December 21, 2001. An Affidavit of Non-Compliance was filed January 3, 2002. On January 24, 2002, an Order Finding Non-Compliance and Imposing Fine/Lien was filed in the amount of \$2,550.00 with the fine continuing to run until compliance was obtained on October 11, 2004. The fine totaled \$76,800.00. This amount remains unpaid. An Affidavit of Compliance was filed indicating Respondent was in compliance as of October 11, 2004.

An Affidavit of Repeat Violation was filed by the Code Enforcement Officer indicating non-compliance on June 27, 2005. An Affidavit of Compliance (After Repeat Violation) was filed by the Code Enforcement Officer indicating compliance on July 12, 2005. This property is in compliance at this time.

Recommendation: The Board issue an Order constituting a Fine on a Repeat Violation of the Findings of Fact, Conclusions of Law and Order dated December 6, 2001 for **\$900.00**, for 12 days of non-compliance at \$75.00 per day from June 27, 2005 through and including July 8, 2005, and the Clerk shall record this Order in the public records.

Violation Charged: Seminole County Code, Chapter 95, Section 95.4 as defined in Section 95.3(h).
Described as: 1).Uncultivated vegetation in excess of 24" in height, located within 75' of a structure on subject property.
Location: 413 Magnolia Street, Altamonte Springs (Commission District 4)
Tax Parcel ID # 07-21-30-30-010A-0000.

Dorothy Hird, Code Enforcement Officer, testified on behalf of the county and entered into evidence photographs of the violation. Officer Hird further testified that the Respondent was in repeat violation on June 27, 2005, and the follow-up inspection revealed the uncultivated vegetation had been removed from the property.

Officer Hird recommended the Board issue an Order that Respondents were in violation and that a fine in the amount of \$1,050.00 at \$75.00 per day for 14 days of noncompliance be imposed. Officer Hird further stated that staff would not object to a reduced or rescinded fine because Respondent acted quickly to bring the property into compliance upon learning of the violation.

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Thomas Demps, Respondent, testified on his behalf. Mr. Demps indicated that he was going over and cutting the grass, and that because of the rainy season, his working six to seven days a week, 10-12 hours per day, that Sunday was the only day he had free. Mr. Demps further stated that as soon as the Code Enforcement Officer informed him of the violation, that he got the property cleaned up.

Tom Hagood made reference to a lien on the property for \$2,550 and an unpaid fine of \$76,800 for a previous violation. Mr. Hagood asked Respondent if he was aware of those circumstances. Mr. Demps responded that he had never been made aware of them until the present repeat case.

Mr. Hagood asked Mr. Demps if he received mail at the address that the Code Enforcement Officer has on record. Mr. Demps stated that he did not get the notices because mail was being sent to an address where he had not lived in over 20 years. Bill Fahey asked Mr. Demps if he resided at 413 Magnolia Street, to which Mr. Demps responded he had not lived there since 1985. Bill Fahey further inquired of Mr. Demps if he owned the property, to which Mr. Demps responded that he did own the property.

Bill Fahey inquired of the Code Enforcement Officer why this property had not been foreclosed. Officer Hird responded that she had no answer to the question. Officer Hird further stated that she was unaware of an open case, but indicated she cited Mr. Demps previously for uncultivated vegetation and then cleared him.

Mr. Fahey asked Mr. Demps if anyone was living in the house at this time and Mr. Demps responded that no one was living in the house at this time.

Mr. Ammon inquired of Officer Hird if the present case is strictly for the repeat violation, to which Officer Hird answered in the affirmative.

Tom Hagood noted that there was a lien of \$2,550 and inquired of Officer Hird if the \$76,000 was a lien. Officer Hird responded and confirmed that the \$76,000 had been filed as a lien.

Jay Ammon asked Officer Hird if she did an accounting of her costs and if it was she who noticed the violation or if it was a complaint. Officer Hird responded that she had done an accounting and that the violation came in as a complaint.

Grace Chewning asked a procedural question as to mailing notices. Mr. Demps stated that he never received the notification. Tom Hagood stated that it has been his experience that the Board would not even be hearing a case if there was not adequate notice.

After discussion of this case by the Board:

MOTION BY JAY AMMON, SECONDED BY GRACE CHEWNING, TO SET FINE AT ZERO FAILED, WITH BILL FAHEY OPPOSING.

MOTION BY BILL FAHEY, SECONDED BY TOM HAGOOD, THAT THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER ON A REPEAT VIOLATION PRESENTLY IN COMPLIANCE BE:

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
ON A REPEAT VIOLATION PRESENTLY IN COMPLIANCE**

The Respondents are the owners of record of the property (Tax Parcel ID # 07-21-30-300-010A-0000) located at 413 Magnolia Street, Winter Park, located in Seminole County and legally described as follows:

LEG SEC 07 TWP 21S RGE 30E BEG 505.34 FT E + 33 FT N OF SW
COR OF NE 1/4 RUN N 109 FT E 77 FT S 109 FT W TO BEG

This case came on for public hearing before the Code Enforcement Board of Seminole County on December 6, 2001 after due notice to the Respondents. The Board, having heard testimony under oath and having received evidence, issued its Findings of Fact, Conclusions of Law, and Order.

Said Order found the Respondents in violation of the Seminole County Code, Chapter 95, Section 95.4, as defined in 95.3(h).

Said Order stated that a fine in the amount of \$75.00 per day would be imposed if the Respondents did not take certain corrective action by December 21, 2001. Compliance was obtained on October 11, 2004.

An Affidavit of Repeat Violation has been filed with the Board by the Code Officer, which Affidavit certifies under oath that the violation was being repeated as of June 27, 2005.

An Affidavit of Compliance After Repeat Violation has been filed with the Board by the Code Officer, which Affidavit certifies under oath that corrective action has been taken by the Respondents as of July 9, 2005.

Based on the testimony and evidence presented, the Respondents were in repeat violation of the Seminole County Code, as stated in the original Findings of Fact, Conclusions of Law and Order dated December 6, 2001.

Therefore, the Board finds that the Respondents were in repeat violation and orders that the fine of \$1,050.00, for 14 days of non-compliance, from June 27, 2005 through and including July 11, 2005, at \$75.00 per day **be reduced to \$100.00.**

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This Order shall be recorded in the public records of Seminole County, Florida.

DONE AND ORDERED this 25th day of August, 2005, in Seminole County, Florida.

**TOM HAGOOD – YES
BILL FAHEY – YES
JAY AMMON – NO**

GRACE CHEWNING – YES

MOTION CARRIED 3 – 1.

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Case No: 02-23-CEB
James Pettway and Rubie Pettway
Code Enforcement Officer: Dorothy Hird
Complaint No. 01-12037

Repeat Case

The Board heard the original violation on February 28, 2002 and entered its Findings of Fact, Conclusions of Law and Order giving the Respondents a compliance date of March 15, 2002. The Code Enforcement Officer filed an Affidavit of Non-Compliance on March 21, 2002. An Affidavit of Compliance was filed on April 2, 2002. On April 25, 2002, the Board rescinded the fine of \$975.00.

An Affidavit of Repeat Violation was filed by the Code Enforcement Officer indicating non-compliance on July 13, 2005. An Affidavit of Compliance (After Repeat Violation) was filed by the Code Enforcement Officer indicating compliance on August 18, 2005. This property is in compliance at this time.

Recommendation: The Board issue an Order constituting a Fine on a Repeat Violation of the Findings of Fact, Conclusions of Law and Order dated February 28, 2002 for **\$2,625.00**, for 35 days of non-compliance at \$75.00 per day from July 13, 2005 through and including August 17, 2005, and the Clerk shall record this Order in the public records.

Violation Charged: Seminole County Code, Chapter 95, Section 95.3(h) & (g).
Described as: 1) Uncultivated vegetation in excess of 24" in height and within 75' of a structure.
2) Accumulation of trash and debris.
Location: 119 DeSoto Ave., Altamonte Springs (Commission District 4)
Tax Parcel ID # 07-21-30-505-0C00-0020

Dorothy Hird, Code Enforcement Officer, testified on behalf of the county and entered into evidence photographs of the violation. Officer Hird further testified that she

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inspected the property on August 17, 2005 and found the trash, debris and the weeds had been removed from the property.

Officer Hird recommended the Board issue an Order that Respondents were in repeat violation and order that a fine in the amount of \$2,550.00 at \$75.00 per day for 34 days of noncompliance be imposed. Officer Hird further stated that staff would not object to a reduced or rescinded fine because Respondents acted quickly to bring the property into compliance upon learning of the violation and because Rubie Pettway, Respondent, had some extenuating circumstances precluding her from earlier compliance.

Rubie Pettway, Respondent, testified on her behalf. Mrs. Pettway indicated that the violation occurred during the rainy season and her husband was working nights. Further, Mrs. Pettway was traumatized by the loss of her mother and a niece and the illness of a nephew.

Bill Fahey asked Mrs. Pettway if the house is vacant, to which Mrs. Pettway answered that it is.

After discussion of this case by the Board:

MOTION BY JAY AMMON, SECONDED BY GRACE CHEWNING, THAT RESPONDENT BE FOUND IN REPEAT VIOLATION BUT FINE TO BE REDUCED TO ZERO, FAILED.

MOTION BY BILL FAHEY, SECONDED BY GRACE CHEWNING, THAT THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER ON A REPEAT VIOLATION PRESENTLY IN COMPLIANCE BE:

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
ON A REPEAT VIOLATION PRESENTLY IN COMPLIANCE**

The Respondents are the owners of record of the property (Tax Parcel ID # 07-21-30-505-0C00-0020) located at 119 De Soto Avenue, Altamonte Springs, located in Seminole County and legally described as follows:

LEG LOT 2 BLK C HARMONY HOMES PB 13 PG 35

This case came on for public hearing before the Code Enforcement Board of Seminole County on February 28, 2002 after due notice to the Respondents. The Board, having heard testimony under oath and having received evidence, issued its Findings of Fact, Conclusions of Law, and Order.

Said Order found the Respondents in violation of the Seminole County Code, Chapter 95, Section 95.4, as defined in 95.3(h) and (g).

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Said Order stated that a fine in the amount of \$75.00 per day would be imposed if the Respondents did not take certain corrective action by March 15, 2002. Compliance was obtained on March 28, 2002.

An Affidavit of Repeat Violation has been filed with the Board by the Code Officer, which Affidavit certifies under oath that the violation was being repeated as of July 13, 2005.

An Affidavit of Compliance After Repeat Violation has been filed with the Board by the Code Officer, which Affidavit certifies under oath that corrective action has been taken by the Respondents as of August 18, 2005.

Based on the testimony and evidence presented, the Respondents were in repeat violation of the Seminole County Code, as stated in the original Findings of Fact, Conclusions of Law and Order dated February 28, 2002.

Therefore, the Board finds that the Respondents were in repeat violation and orders that the fine of \$2,550.00, for 34 days of non-compliance, from July 13, 2005 through and including August 16, 2005, at \$75.00 per day **be reduced to \$100.00.**

This Order shall be recorded in the public records of Seminole County, Florida.

DONE AND ORDERED this 25th day of August, 2005, in Seminole County, Florida.

**TOM HAGOOD – YES
BILL FAHEY – YES
JAY AMMON – NO**

GRACE CHEWNING – YES

MOTION CARRIED 3 – 1.

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Yvette Brown, Code Enforcement Board Attorney, made a recommendation that fines imposed should have a date certain for payment.

Larry Lawver, Code Enforcement Board Member, arrived at 2:00 p.m. and stated for the record that he was present.
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Case No: 04-26-CEB
Anabelle & George W. Diaz
Code Enforcement Officer: Joann Davids
Complaint No: 2004CE000224

Repeat Case

This case was originally heard by the Board on May 20, 2004 and a Findings of Fact, Conclusions of Law and Order was entered giving the Respondents a compliance date of June 20, 2004.

An Affidavit of Non-Compliance was filed by the Code Enforcement Officer indicating non-compliance on June 22, 2004. An Affidavit of Compliance was filed by the Code Enforcement Officer indicating compliance on June 29, 2004. On July 28, 2005, the Board issued an Order Finding Compliance and Imposing Fine/Lien imposing a fine in the amount of \$1,750.00. This amount remains unpaid.

An Affidavit of Repeat Violation was filed by the Code Enforcement Officer indicating non-compliance on July 9, 2005. This property is NOT presently in compliance.

Recommendation: The Board issue an Order constituting a Fine on a Repeat Violation of the Findings of Fact, Conclusions of Law and Order dated May 20, 2004, in the amount of **\$11,750.00** for 47 days of non-compliance at \$250.00 per day from July 9, 2005 through and including August 25, 2005, and the Clerk shall record this Order in the public records.

Violation Charged: Seminole County Code, Chapter 95, Section 95.4 as defined in Section 95.3(e)(g)(j) and (p).
Described as: 1) Unusable or abandoned furniture.
2) Trash and debris.
3) Used or scrap building materials.
4) Other objectionable, unsightly or unsanitary matter, substance or material tending by its existence and or accumulation to endanger or adversely effect the health, safety, lives and or welfare of the citizens of the County.
Location: 120 Meadowfield Lane, Altamonte Springs (Commission District 3)
Tax Parcel ID # 03-21-29-504-0D00-0080

For the recorded, it was established by Respondents and Code Enforcement Officer Davids that the subject property's mailing address is Longwood, rather than Altamonte Springs.

Joann Davids, Code Enforcement Officer, testified on behalf of the county and entered into evidence photographs of the violation. Officer Davids further testified that

she inspected the property on July 9, 2005 and has since had follow-up inspections which include July 12, 13, 26, 27, 2005 and August 2, 15, 17, 19 and 23, 2005. Officer Davids further testified there had been very little progress towards compliance between the dates July 13 through July 26, 2005, for which Officer Davids and two sergeants were onsite and had a long conversation with Mr. Diaz.

Officer Davids stated that on August 17, 2005, Mr. Diaz, knowing the fine was running at that point, refused a re-inspection of the rear yard. After a re-inspection on August 23, 2005, Officer Davids found the property not in compliance, stating that fencing and building materials and some bicycles remained on site.

Officer Davids recommended the Board issue an Order constituting a Fine on a Repeat Violation of the Findings of Fact, Conclusions of Law and Order dated May 20, 2004, in the amount of \$11,750.00 for 47 days of non-compliance at \$250.00 per day from July 9, 2005 through and including August 25, 2005, and a re-inspection date of August 25, 2005 to verify compliance.

Bill Fahey made mention of the Diaz's appearance at the prior Code Enforcement Board meeting on July 28, 2005. Officer Davids advised that the July appearance was in connection with a lien for the Respondents' initial violation before the Board, for which a lien had been imposed. Officer Davids restated that the issue being heard presently is the repeat violation.

Anabelle Diaz and George Diaz, Respondents, testified on their behalf. Mrs. Diaz stated that everything was cleaned up on July 28 and that on August 23, 2005, when she saw Officer Davids the yard was really clean, except that a shed was there, as were some items in Mr. Diaz' pickup truck which needed to be dumped. Mr. Diaz testified that they had complied with cleaning up the backyard and stated that was why the truck was there for a few days. Mrs. Diaz testified that they were presently in compliance.

Mrs. Diaz further stated that Mr. Diaz was not working, and she had a small store which she is planning to close because she cannot afford it.

After discussion of this case by the Board:

**MOTION BY JAY AMMON, SECONDED BY LARRY LAWVER, THAT
THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER ON A
REPEAT VIOLATION NOT IN COMPLIANCE BE:**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
ON A REPEAT VIOLATION NOT IN COMPLIANCE**

Based on the testimony and evidence presented in case number 04-26-CEB, it is determined that the Respondents are:

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- (a) the owners of record of the property (Tax Parcel ID # 03-21-29-504-0D00-0080) located at 120 Meadowfield Lane, Longwood, located in Seminole County and legally described as follows:
LEG LOT 8 BLK D GOLF VIEW ESTATES SECTION OF
MEREDITH MANOR UNIT 1, PB 13 PG 20
- (b) in possession or control of the property; and
- (c) in violation of Seminole County Code, Chapter 95, Section 95.4 as defined in 95.3(e)(g)(j) and (p).

This case came on for public hearing before the Code Enforcement Board of Seminole County on May 20, 2004 after due notice to the Respondents. The Board, having heard testimony under oath and having received evidence, issued its Findings of Fact, Conclusions of Law, and Order.

Said Order found Respondents in violation of Seminole County Code, Chapter 95, Section 95.4 as defined in 95.3(e)(g)(j) and (p).

An Affidavit of Repeat Violation was filed by the Code Officer indicating non-compliance on July 9, 2005

Based on the testimony and evidence presented, the Respondents are in repeat violation of the Seminole County Code, as stated in the original Findings of Fact, Conclusions of Law and Order dated May 20, 2004.

Therefore, the Board finds that the Respondents are in repeat violation and orders that the fine of \$11,750.00, for 47 days of non-compliance, from July 9, 2005 through and including August 25, 2005, at \$250.00 per day, **be reduced to \$2,500.00. Respondents are further ordered to pay said fine of \$2,500.00 on or before September 23, 2005, or said fine shall revert back to \$11,750.00.**

Respondents are further ordered that a fine in the amount of \$250.00 will be imposed if the Respondents remain in repeat violation on August 26, 2004.

It is further ordered that if the violations continue past August 26, 2005, the fine shall be increased to \$500.00 per day for each day the violations continue past or are repeated after August 26, 2005, and shall continue to accrue until such time as the Code Officer inspects the property and verifies compliance with this Order

Respondents are further ordered to contact the Seminole County Code Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until such time as the Code Officer inspects the property and verifies compliance with this Order.

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This Order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violations exist and upon any other real or personal property owned by the Respondents.

DONE AND ORDERED this 25th day of August, 2005, in Seminole County, Florida.

**TOM HAGOOD – YES
BILL FAHEY – YES
JAY AMMON – YES**

**LARRY LAWVER – YES
GRACE CHEWNING – YES**

MOTION CARRIED 5 – 0.

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At this time, the Board elected to hear another case on these Respondents from the New Case agenda.
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Case No 05-59-CEB
Anabelle & George W. Diaz
Code Enforcement Officer: Joann Davids
Complaint No: 2004CE001871

New Case

Violation Charged: Seminole County Land Development Code, Chapter 30, Part 12, Section 30.202.
Described as: Operation of a business or an extension of a business in R-1A zone.
Location: 120 Meadowfield Lane, Longwood (Commission District 3)
Tax Parcel ID # 03-21-29-504-0D00-0080

Joann Davids, Code Enforcement Officer, testified on behalf of the county and entered into evidence photographs of the violation. Officer Davids further testified that she initially inspected the property on December 2, 2004 and verbally noticed Mr. Diaz on December 22, 2004. Written notice was given on February 22, 2005 with a compliance date of March 8, 2005. Follow-up inspections include December 3, 6, and 22, 2004, March 12, 15, and 17, 2005, July 12, 13, 26, 27, and August 2, 15, 17, 19 and 23, 2005.

Officer Davids testified that items are continually being brought to the property and stored and/or sorted through and left outside. Officer Davids testified further that Mr. Diaz stated his wife no longer had her shop and that Mrs. Diaz did not now work at all. Officer Davids testified that Mr. Diaz stated to Officer Lemma that Mrs. Diaz did have a shop and the name of the shop was Quality Thrift located in St. Cloud. Officer Davids testified Mr. Diaz also sold scrap metal that he collected and stored at the house. Officer Davids

further testified that Mrs. Diaz indicated a storage unit near her shop was full. Further, Mr. Diaz also sells items at the open-air flea market at the Orlando Fairgrounds and has on occasion sold things from the house, such as bicycles. Mr. Diaz also stated that he sells plastic lawn chairs for \$2.00 or \$3.00 each.

Officer Davids recommended that the Board order the Respondents to correct the violation on or before August 29, 2005. In order to correct the violation, Respondents shall cease the storage, selling, offering for sale or sorting of items, i.e., merchandise or any business-related activity which is not a permitted use in the property zoned R-1. If the Respondent does not comply with this Order, a fine of \$250 per day will be imposed for each day the violation continues or is repeated after the compliance date of August 29, 2005.

Anabelle Diaz, Respondent, testified on behalf of herself and George Diaz. Mrs. Diaz denied having a business in her home. Mrs. Diaz admitted having a small thrift shop but that there was no intention of an extension of a business.

After discussion of this case by the Board:

**MOTION BY GRACE CHEWNING, SECONDED BY BILL FAHEY, THAT
THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER BE:**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 05-59-CEB, it is determined that the Respondents are:

- (a) the owners of record of the property (Tax Parcel ID # 03-21-29-504-0D00-0080) located at 120 Meadowfield Ln, Longwood, located in Seminole County and legally described as follows:

LEG LOT 8 BLK D GOLF VIEW ESTATES SECTION OF
MEREDITH MANOR UNIT 1
PB 13 PG 20

- (b) in possession or control of the property; and
- (c) in violation of Seminole County Land Development Code Chapter 30, Part 12, Section 30.202.

It is hereby ordered that the Respondents correct the violation on or before **September 9, 2005**. In order to correct the violation, the Respondents shall take the following remedial action:

**CEASE OPERATION OF A BUSINESS OR AN EXTENSION OF A
BUSINESS NOT A PERMITTED USE IN AN R-1A ZONE.**

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If the Respondents do not comply with the Order, a fine of **\$250.00** will be imposed for each day the violation continues, or is repeated after compliance past **September 9, 2005**. **The Respondents are further ordered to contact the Seminole County Code Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until such time as the Code Officer inspects the property and verifies compliance with this Order.**

This Order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the Respondents.

DONE AND ORDERED this 25th day of August, 2005, in Seminole County, Florida.

**TOM HAGOOD – YES
BILL FAHEY – YES
JAY AMMON – YES**

**LARRY LAWVER – YES
GRACE CHEWNING – YES**

MOTION CARRIED 5 – 0.

Case No 05-58-CEB
Carolea Oliver
Code Enforcement Officer: Dorothy Hird
Complaint No: 5-000505

New Case

Violation Charged: Seminole County Code, Chapter 95, Section 95.4, as defined in Section 95.3(f), (h), (n) & (o) and Chapter 30, Section 30.1349 (e) & (f).

Described as:

- 1) Unusable/abandoned stoves, appliances or other white goods.
- 2) Uncultivated vegetation.
- 3) Stagnant or foul water within a swimming or wading pool.
- 4) Swimming or wading pool not completely enclosed by a permanent fencing.
- 5) All fences shall be maintained in its original upright condition.
- 6) Fences walls designed for painting or similar surface finish shall be maintained to their original condition as designed.

Location: 1030 Gregory Drive, Maitland (Commission District 4)
Tax Parcel ID # 24-21-29-507-0B00-0040

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Dorothy Hird, Code Enforcement Officer, testified on behalf of the county and entered into evidence photographs of the violation. Officer Hird further testified that she initially inspected the property in March 2005, with several notices to the Respondent and follow-up inspections which revealed that the appliance remains, the weeds remain, and the fences need to be repaired. Officer Hird testified that Respondent cleared up the pool in March 2005, that the pool was again stagnant in June 2005, but clear on the 15th.

Officer Hird recommended that the Board issue an Order stating the stagnant pool is a recurring violation, and that Respondent correct the remaining violations by September 9, 2005 by removing the appliance, cutting down the uncultivated vegetation, continuing to monitor and maintain the water in the pool and the repair of the fence to its original upright condition, or a fine of \$150 per day will be imposed after September 9, 2005.

Officer Hird confirmed to Tom Hagood that the pool is secure.

Carolea Oliver, Respondent, appeared on her behalf and indicated she understood the violations and how to resolve them, and that she understood the recommendation to the Board.

After discussion of this case by the Board:

**MOTION BY GRACE CHEWNING, SECONDED BY BILL FAHEY, THAT
THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER BE:**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 05-58-CEB, it is determined that the Respondent is:

- (a) the owner of record of the property (Tax Parcel ID #24-21-29-507-0B00-0040) located at 1030 Gregory Dr, Maitland, located in Seminole County and legally described as follows:

LEG LOT 4 BLK B DRUID HILLS ESTATES 1ST ADD
PB 11 PG 42

- (b) in possession or control of the property; and
(c) in violation of Seminole County Code Chapter 95, Section 95.4 as defined in 95.3(f), (h), (n) & (o) and Chapter 30, Section 30.1349(e) and (f).

It is hereby ordered that the Respondent is:

- (1) In compliance with Seminole County Code Chapter 95, Section 95.4 as defined in 95.3(n), stagnant pool, as of this date (August 25, 2005); however, if this

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violation is repeated, a fine of **\$150.00** per day will be imposed for each day the violation is repeated after August 25, 2005 and;

(2) In violation of Seminole County Code Chapter 95, Section 95.4 as defined in 95.3(f), (h) & (o) and Chapter 30, Section 30.1349(e) and (f). Respondent shall correct the violations on or before **September 9, 2005**. In order to correct the violations, the Respondent shall take the following remedial action:

- A) REMOVE ANY UNUSABLE/ABANDONED APPLIANCES AND ANY UNCULTIVATED VEGETATION FROM THE PROPERTY.**
- B) CONTINUE TO MAINTAIN THE WATER IN THE POOL.**
- C) REPAIR THE FENCE TO ITS ORIGINAL UPRIGHT CONDITION AND MAINTAIN THE FENCING IN ITS ORIGINAL CONDITION.**

If the Respondent does not comply with the Order, a fine of **\$150.00** will be imposed for each day the violations continue, or are repeated after compliance past **September 9, 2005**. **The Respondent is further ordered to contact the Seminole County Code Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until such time as the Code Officer inspects the property and verifies compliance with this Order.**

This Order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violations exist and upon any other real or personal property owned by the Respondent.

DONE AND ORDERED this 25th day of August, 2005, in Seminole County, Florida.

**TOM HAGOOD – YES
BILL FAHEY – YES
JAY AMMON – YES**

**LARRY LAWVER – YES
GRACE CHEWNING – YES**

MOTION CARRIED 5 – 0.

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Case No 05-54-CEB
Ian R. Waxler
Code Enforcement Officer: Jerry Robertson
Complaint No: 2005CE000324

New Case

Violation Charged: Seminole County Land Development Code, Chapter 30, Section 30.122, 30.123 and 30.124 and Seminole County Code, Chapter 95, Section 95.4 as defined in 95.3(f)(g)(l).
Described as: 1) Saw mill with no special exception.
2) Junk vehicles.
3) Unusable appliances.
4) Trash and debris.
Location: 2500 Fawn Run, Seminole County (Commission District 1)
Tax Parcel ID # 36-21-31-3AH-001K-0000

Tom Hagood asked Mr. Waxler for name clarification. The Witness, George Waxler, stated that Ian R. Waxler, Respondent, is his brother. George Waxler presented legal authorization to appear before the Board on behalf of Ian R. Waxler.

Jerry Robertson, Code Enforcement Officer, testified on behalf of the county and entered into evidence photographs of the violation. Officer Robertson further testified that George Waxler has made progress, but still needs more time to come into compliance.

Officer Robertson recommended that the Board impose a \$100 per day fine after September 5, 2005. Officer Robertson further stated that staff would not object to an extended time to correct violations.

George Waxler, Witness on behalf of Respondent Ian Waxler, testified that he has had some rough times, but expects to have the property cleaned up within two months. Mr. Waxler indicated that he sells firewood and that a tree company had been bringing in logs, but that activity had ceased.

After discussion of this case by the Board:

**MOTION BY LARRY LAWVER, SECONDED BY GRACE CHEWNING, THAT
THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER BE:**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 05-54-CEB, it is determined that the Respondent is:

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
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- (a) the owner of record of the property (Tax Parcel ID # 36-21-31-3AH-001K-0000) located at 2500 Fawn Run, Oviedo, located in Seminole County and legally described as follows:
LEG SEC 36 TWP 21S RGE 31E BEG 1872.29 FT E & 1658.21 FT
S OF N ¼ COR RUN S 1000.84 FT E 99.81 FT N 70 FT NELY ON
CURVE 145.07 FT N 896.68 FT W 238.62 FT TO BEG (5.22 AC)
- (b) in possession or control of the property; and
- (c) in violation of Seminole County Land Development Code Chapter 30, Section 30.122, 30.123, 30.124 and Seminole County Code Chapter 95, Section 95.4 as defined in 95.3(f), (g) and (l).

It is hereby ordered that the Respondent correct the violations on or before **October 28, 2005**. In order to correct the violations, the Respondent shall take the following remedial action:

- A) APPLY FOR AND OBTAIN THE NECESSARY SPECIAL EXCEPTION FOR THE OPERATION OF A SAWMILL.**
- B) REMOVE ABANDONED APPLIANCES AND OTHER WHITE GOODS.**
- C) REMOVE ACCUMULATION OF TRASH AND DEBRIS.**
- D) REPAIR OR REMOVE ANY VEHICLE (S) THAT CANNOT OPERATE LEGALLY ON THE PUBLIC ROAD RIGHT OF WAY, IF IT WERE PROPERLY LICENSED, OR PLACE VEHICLE(S) IN AN ATTACHED CARPORT OR ENCLOSED GARAGE.**

If the Respondent does not comply with the Order, a fine of **\$100.00** will be imposed for each day the violations continue, or are repeated after compliance past **October 28, 2005**. **The Respondent is further ordered to contact the Seminole County Code Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until such time as the Code Officer inspects the property and verifies compliance with this Order.**

This Order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violations exist and upon any other real or personal property owned by the Respondent.

DONE AND ORDERED this 25th day of August, 2005, in Seminole County, Florida.

**TOM HAGOOD – YES
BILL FAHEY – YES
JAY AMMON – YES**

**LARRY LAWVER – YES
GRACE CHEWNING – YES**

MOTION CARRIED 5 – 0.

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
August 25, 2005

Case No 05-60-CEB
Gail & Ned Charles
Code Enforcement Officer: Donna Wisniewski
Complaint No: 2005CE000164

New Case

Violation Charged: Seminole Land Development Code, Chapter 30, Section 30.1349(e) & 30.1349(g).
Described as: 1) Fence not maintained in its original upright condition.
2) Missing boards, pickets, posts or bricks.
Location: 2068 Houndslake Dr., Winter Park (Commission District 1)
Tax Parcel ID # 27-21-30-506-0000-0120

Donna Wisniewski, Code Enforcement Officer, testified on behalf of the county and entered into evidence photographs of the violation. Officer Wisniewski further testified that Ted Charles, Respondent's son, stated that a contractor picking up hurricane debris caused the violation.

Officer Wisniewski testified she contacted Tom Waters, at Solid Waste who was in charge of follow-up complaints since the hurricane, and that Mr. Waters communicated to Officer Wisniewski that he found there had been a report on the wall in November 2004, and that he and one of his employees conducted a site inspection and ascertained that it did not appear to be contractor damage. Officer Wisniewski made reference to a letter from Grubbs Emergency Management Services which stated they were not able to approve the Respondent's claim for damage at that time. Officer Wisniewski testified she put the code violation case on hold for three months pending resolution between property owner and contractor(s). Officer Wisniewski testified she was informed by Ted Charles that Respondent was not going to repair the wall and that no further action had been taken with Grubbs Emergency Management Services.

Officer Wisniewski recommended that the Board impose a \$75.00 per day fine if Respondents do not correct the violation on or before September 30, 2005.

Ted Charles, son of Ned Charles, and Alison Jones, Tenant, appeared on behalf of Gail & Ned Charles, Respondents. Mr. Charles alleged that the city paid the contractor to knock his wall down, and that he was not going to call his insurance company who would fix it for free because the city paid someone to knock it down.

Alison Jones testified that it was after three hurricanes that the wall was knocked down during debris pickup. Ms. Jones said she attempted to resolve the situation, that she got someone to come out and do an inspection, but her request was denied. Ms. Jones testified she was at home and witnessed the contractor damage the fence.

Grace Chewning asked if there was a requirement that a wall or fence must be in place. Officer Wisniewski responded that this was part of the development agreement at the time that the subdivision was installed and that the wall does need to be replaced.

Bill Fahey asked for clarification as to Mr. Charles' reference to "city." Mr. Charles and Ms. Jones said their reference meant "county." Mr. Fahey further asked of Mr. Charles and Ms. Jones if any pictures had been taken when it happened. Ms. Jones responded that the man who did the investigation took pictures. Ms. Jones indicated that she had no other witnesses to the incident.

Jay Ammon asked if this problem would be a subdivision problem. Officer Wisniewski responded that the Cedar Ridge Municipal Services Benefits Unit states, "... *but shall not relate to maintenance of the walls,*" meaning each individual property owner is responsible for the wall on their property. Ms. Wisniewski confirmed that the wall was located on the Respondents' property and that Respondents are responsible for the maintenance of it.

Bill Fahey asked if the insurance company had turned them down. Mr. Charles responded that he had not called the insurance company.

Officer Wisniewski indicated that the complaints were filed by neighbors and the MSBU.

Tom Hagood impressed upon the Witnesses that the issue before the Code Board dealt with the violation, not with who caused it.

After discussion of this case by the Board:

**MOTION BY BILL FAHEY, SECONDED BY LARRY LAWVER, THAT
THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER BE:**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 05-60-CEB, it is determined that the Respondents are:

- (a) the owners of record of the property (Tax Parcel ID # 27-21-30-506-0000-0120) located at 2068 Houndslake Dr, Winter Park, located in Seminole County and legally described as follows:

LEG LOT 12 CEDAR RIDGE UNIT III
PB 23 PG 30

- (b) in possession or control of the property; and

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
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- (c) in violation of Seminole County Land Development Code Chapter 30, Sections 30.1349(e) and 30.1349(g).

It is hereby ordered that the Respondents correct the violation on or before **February 1, 2006**. In order to correct the violation, the Respondents shall take the following remedial action:

REPLACE OR REPAIR THE WALL WITH MATERIALS OF THE SAME TYPE AND QUALITY.

If the Respondents do not comply with the Order, a fine of **\$50.00** will be imposed for each day the violation continues, or is repeated after compliance past **February 1, 2006**. **The Respondents are further ordered to contact the Seminole County Code Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until such time as the Code Officer inspects the property and verifies compliance with this Order.**

This Order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the Respondents.

DONE AND ORDERED this 25th day of August, 2005, in Seminole County, Florida.

**TOM HAGOOD – YES
BILL FAHEY – YES
JAY AMMON – YES**

**LARRY LAWVER – YES
GRACE CHEWNING – YES**

MOTION CARRIED 5 – 0.

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At this time, the Chair closed the meeting for a 15 minute recess. The hearing resumed at 3:35 P.M.
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SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
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Case No 05-55-CEB
Nikole A. Sackett & Randolph T. Sackett
Code Enforcement Officer: Dorothy Hird
Complaint No: 5-CE000202

New Case

Violation Charged: Seminole County Code, Chapter 95, Section 95.4, as defined in Section 95.3(g).
Described as: 1) Accumulation of trash and debris.
Location: 101 Frances Circle, Altamonte Springs (Commission District 4)
Tax Parcel ID # 12-21-29-5BD-3000-0210

Dorothy Hird, Code Enforcement Officer, testified on behalf of the county and entered into evidence photographs of the violation. Officer Hird further testified that she inspected the property on August 24, 2005 and found the property was not in compliance.

Officer Hird recommended that the Board issue an Order giving Respondents a compliance date of September 9, 2005, for removing the accumulation of trash and debris, or a fine of \$50 per day would be imposed.

Nikole A. Sackett & Randolph T. Sackett, Respondents, were not present at this hearing.

After discussion of this case by the Board:

**MOTION BY BILL FAHEY, SECONDED BY GRACE CHEWNING, THAT
THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER BE:**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 05-55-CEB, it is determined that the Respondents are:

- (a) the owners of record of the property (Tax Parcel ID # 12-21-29-5BD-3000-0210) located at 101 Frances Circle, Altamonte Springs, located in Seminole County and legally described as follows:

LEG LOTS 21 + 22 BLK 30 SANLANDO
PB 3 PG 66

- (b) in possession or control of the property; and
- (c) in violation of Seminole County Code Chapter 95, Section 95.4 as defined in 95.3(g).

It is hereby ordered that the Respondents correct the violation on or before **September 9, 2005**. In order to correct the violation, the Respondents shall take the following remedial action:

REMOVE ACCUMULATION OF TRASH AND DEBRIS.

If the Respondents do not comply with the Order, a fine of **\$50.00** will be imposed for each day the violation continues, or is repeated after compliance past **September 9, 2005**. **The Respondents are further ordered to contact the Seminole County Code Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until such time as the Code Officer inspects the property and verifies compliance with this Order.**

This Order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the Respondents.

DONE AND ORDERED this 25th day of August, 2005, in Seminole County, Florida.

**TOM HAGOOD – YES
BILL FAHEY – YES
JAY AMMON – YES**

**LARRY LAWVER – YES
GRACE CHEWNING – YES**

MOTION CARRIED 5 – 0.

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Case No: 05-08-CEB
Dwight R. and Keitra L. Beacham
Code Enforcement Officer: Dorothy Hird
Complaint No: 04-CE001378

Repeat Case

The Board heard the original violation on January 27, 2005 and a Findings of Fact, Conclusions of Law and Order was entered giving the Respondents a compliance date of February 11, 2005. The Respondents complied within the time specified by the Board.

An Affidavit of Repeat Violation was filed by the Code Enforcement Officer indicating non-compliance on June 30, 2005. An Affidavit of Compliance (After Repeat Violation) was filed by the Code Enforcement Officer indicating compliance on August 16, 2005. The property is presently in compliance.

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Recommendation: The Board issue an Order constituting a Fine on a Repeat Violation of the Findings of Fact, Conclusions of Law and Order dated January 27, 2005 for **\$2,300.00**, for 46 days of non-compliance at \$50.00 per day from June 30, 2005 through and including August 15, 2005, and the Clerk shall record this Order in the public records.

Violation Charged: Seminole County Code, Chapter 95, Section 95.4 as defined in Section 95.3(l).
Described as: 1) Junked or abandoned vehicle not kept within an enclosed garage or an attached carport.
Location: 133 Jackson Street, Altamonte Springs (Commission District 4)
Tax Parcel ID # 18-21-30-502-0B00-010A and
Tax Parcel ID # 18-21-30-502-0B00-010B

Dorothy Hird, Code Enforcement Officer, testified on behalf of the county and entered into evidence photographs of the violation. Officer Hird further testified that she inspected the property on August 16, 2005 and observed that the vehicle had been removed.

Officer Hird recommended that the Board issue an Order imposing a fine in the amount of \$2,300 which is \$50 per day for 46 days of noncompliance.

Dwight R. and Keitra L. Beacham, Respondents, were not present at this hearing.

After discussion of this case by the Board:

**MOTION BY LARRY LAWVER, SECONDED BY JAY AMMON, THAT
THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER ON A
REPEAT VIOLATION PRESENTLY IN COMPLIANCE BE:**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
ON A REPEAT VIOLATION PRESENTLY IN COMPLIANCE**

The Respondents are the owners of record of the property (Tax Parcel ID #18-21-30-502-0B00-010A and #18-21-30-502-0B00-010B) located at 133 Jackson Street, Altamonte Springs, located in Seminole County and legally described as follows:

LEG S 1/2 OF N 2/3 OF LOTS 10 11 + 12 BLK B MERRITT PARK
PB 8 PG 22

This case came on for public hearing before the Code Enforcement Board of Seminole County on January 27, 2005 after due notice to the Respondents. The Board, having heard testimony under oath and having received evidence, issued its Findings of Fact, Conclusions of Law, and Order.

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
August 25, 2005

Said Order found the Respondents in violation of the Seminole County Code, Chapter 95, Section 95.4, as defined in 95.3(l).

Said Order stated that a fine in the amount of \$50.00 per day would be imposed if the Respondents did not take certain corrective action by February 11, 2005. Compliance was obtained on February 1, 2005.

An Affidavit of Repeat Violation has been filed with the Board by the Code Officer, which Affidavit certifies under oath that the violation was being repeated as of June 30, 2005.

An Affidavit of Compliance After Repeat Violation has been filed with the Board by the Code Officer, which Affidavit certifies under oath that corrective action has been taken by the Respondents as of August 16, 2005.

Based on the testimony and evidence presented, the Respondents were in repeat violation of the Seminole County Code, as stated in the original Findings of Fact, Conclusions of Law and Order dated January 27, 2005.

Therefore, the Board finds that the Respondents were in repeat violation and orders that the fine of \$2,300.00, for 46 days of non-compliance, from June 30, 2005 through and including August 15, 2005, at \$50.00 per day **be reduced to \$200.00. Respondents are further ordered to pay said fine of \$200.00 on or before September 23, 2005, or said fine shall revert back to \$2,300.00.**

This Order shall be recorded in the public records of Seminole County, Florida.

DONE AND ORDERED this 25th day of August, 2005, in Seminole County, Florida.

**TOM HAGOOD – YES
BILL FAHEY – YES
JAY AMMON – YES**

**LARRY LAWVER – YES
GRACE CHEWNING – YES**

MOTION CARRIED 5 – 0.

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Case No 05-56-CEB
Susanne Wilk-McIntyre
Code Enforcement Officer: Donna Wisniewski
Complaint No: 2005CE000480

New Case

Violation Charged: Seminole County Code, Chapter 95, Section 95.4, as defined in Section 95.3(h) and Seminole County Land Development Code, Chapter 30, Section 30.1349(e).
Described as: 1) Uncultivated vegetation.
2) Fence not maintained in its original upright condition.
Location: 1100 Santa Cruz Way, Winter Springs (Commission District 1)
Tax Parcel ID # 19-21-31-503-0000-1570

Donna Wisniewski, Code Enforcement Officer, testified on behalf of the county and entered into evidence photographs of the violation. Officer Wisniewski further testified that she inspected the property on August 23, 2005 and observed that the property was not in compliance.

Officer Wisniewski recommended that the Board issue an Order giving Respondent a compliance date of September 30, 2005, or a fine of \$50 per day would be imposed.

Susanne Wilk-McIntyre, Respondent, arrived at the meeting but had to leave before her case was heard. Therefore, Respondent was not present at this hearing.

After discussion of this case by the Board:

MOTION BY LARRY LAWVER, SECONDED BY GRACE CHEWNING, THAT THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER BE:

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 05-56-CEB, it is determined that the Respondent is:

- (a) the owner of record of the property (Tax Parcel ID #19-21-31-503-0000-1570) located at 1100 Santa Cruz Way, Winter Springs, located in Seminole County and legally described as follows:

LEG LOT 157 SUNRISE UNITS TWO B
PB 24 PGS 62 + 63

- (b) in possession or control of the property; and

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
August 25, 2005

- (c) in violation of Seminole County Land Development Code Chapter 30, Section 30.1349(e) and Seminole County Code Chapter 95, Section 95.4 as defined in 95.3(h).

It is hereby ordered that the Respondent correct the violations on or before **September 30, 2005**. In order to correct the violations, the Respondent shall take the following remedial action:

- A) REMOVE THE UNCULTIVATED VEGETATION.**
- B) RESTORE FENCE TO ITS ORIGINAL UPRIGHT CONDITION AS DESIGNED.**

If the Respondent does not comply with the Order, a fine of **\$50.00** will be imposed for each day the violations continue, or are repeated after compliance past **September 30, 2005**. **The Respondent is further ordered to contact the Seminole County Code Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until such time as the Code Officer inspects the property and verifies compliance with this Order.**

This Order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violations exist and upon any other real or personal property owned by the Respondent.

DONE AND ORDERED this 25th day of August, 2005, in Seminole County, Florida.

**TOM HAGOOD – YES
BILL FAHEY – YES
JAY AMMON – YES**

**LARRY LAWVER – YES
GRACE CHEWNING – YES**

MOTION CARRIED 5 – 0.

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SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
August 25, 2005

Case No 05-57-CEB
Ernest Grant, Sr.
Code Enforcement Officer: Pamela Taylor
Complaint No: 2004CE001331

New Case

Violation Charged: Seminole County Code, Chapter 95, Section 95.4 as defined in 95.3(g), (h), (j), (l), & (p).

Described as:

- 1) Trash and debris.
- 2) Uncultivated vegetation.
- 3) Used and scrap building material.
- 4) Junk vehicles not within an enclosed garage,
- 5) Objectionable, unsightly, or unsanitary matter, substance, or material.

Location: 2071 Airport Blvd, Seminole County (Commission District 5)
Tax Parcel ID # 34-19-30-503-0J00-0150

Pamela Taylor, Code Enforcement Officer, testified on behalf of the county and entered into evidence photographs of the violation. Officer Taylor further testified that she spoke with the Respondent on the telephone on August 24, 2005, and he requested 30 days to comply.

Officer Taylor stated that numerous complaints came in from citizens.

Officer Taylor recommended that the Board issue an Order that Respondent be in compliance by September 26, 2005, or a fine of \$150 per day would be imposed.

Ernest Grant, Sr., Respondent, was not present at this hearing.

After discussion of this case by the Board:

**MOTION BY LARRY LAWVER, SECONDED BY JAY AMMON, THAT
THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER BE:**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 05-57-CEB, it is determined that the Respondent is:

- (a) the owner of record of the property (Tax Parcel ID # 34-19-30-503-0J00-0150) located at 2071 Airport Boulevard W, Sanford, located in Seminole County and legally described as follows:

LEG LOTS 15 & 16 BLK J 1ST ADD TO LOCKHARTS SUBD
PB 4 PG 26

- (b) in possession or control of the property; and
- (c) in violation of Seminole County Code Chapter 95, Section 95.4 as defined in 95.3(g), (h), (j), (l) and (p).

It is hereby ordered that the Respondent correct the violations on or before **September 26, 2005**. In order to correct the violations, the Respondent shall take the following remedial action:

- B) REMOVE ACCUMULATION OF TRASH AND DEBRIS.**
- C) REMOVE THE UNCULTIVATED VEGETATION.**
- D) REMOVE THE USED OR SCRAP BUILDING MATERIALS.**
- E) REPAIR OR REMOVE ANY VEHICLE (S) THAT CANNOT OPERATE LEGALLY ON THE PUBLIC ROAD RIGHT OF WAY, IF IT WERE PROPERLY LICENSED, OR PLACE VEHICLE(S) IN AN ATTACHED CARPORT OR ENCLOSED GARAGE.**
- F) REMOVE ANY OBJECTIONABLE, UNSIGHTLY, OR UNSANITARY MATTER, SUBSTANCE, OR MATERIAL.**

If the Respondent does not comply with the Order, a fine of **\$150.00** will be imposed for each day the violations continue, or are repeated after compliance past **September 26, 2005**. **The Respondent is further ordered to contact the Seminole County Code Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until such time as the Code Officer inspects the property and verifies compliance with this Order.**

This Order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violations exist and upon any other real or personal property owned by the Respondent.

DONE AND ORDERED this 25th day of August, 2005, in Seminole County, Florida.

**TOM HAGOOD – YES
BILL FAHEY – YES
JAY AMMON – YES**

**LARRY LAWVER – YES
GRACE CHEWNING – YES**

MOTION CARRIED 5 – 0.

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SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
August 25, 2005

Case No 05-65-CEB
Thomas K. and Mary Whitmore
Code Enforcement Officer: Joann Davids
Complaint No: 2005CE001275

New Case

Violation Charged: Seminole County Land Development Code, Chapter 95, Section 95.4 as defined in 95.3(o).
Described as: Unsecured pool.
Location: 2861 Citron Drive, Longwood (Commission District 3)
Tax Parcel ID # 05-21-29-510-0000-0230

Joann Davids, Code Enforcement Officer, testified on behalf of the county and entered into evidence photographs of the violation. Officer Davids further testified that she inspected the property on August 15, 2005 and found that the gate was still open, and does not self-close and latch.

Officer Davids recommended that the Board issue an Order that Respondents be in compliance on or before August 30, 2005, by securing the pool according to the Florida Building Code, or impose a fine of \$250 per day.

Thomas K. and Mary Whitmore, Respondents, were not present at this hearing.

After discussion of this case by the Board:

**MOTION BY GRACE CHEWNING, SECONDED BY JAY AMMON, THAT
THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER BE:**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 05-65-CEB, it is determined that the Respondents are:

- (a) the owners of record of the property (Tax Parcel ID #05-21-29-510-0000-0230) located at 2861 Citron Drive, Longwood, located in Seminole County and legally described as follows:

LEG LOT 23 GROVE ESTATES
PB 21 PG 20

- (b) in possession or control of the property; and
- (c) in violation of Seminole County Code Chapter 40, Section 40.164 and Chapter 95, Section 95.4 as defined in Section 95.3(o).

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
August 25, 2005

It is hereby ordered that the Respondents correct the violation on or before **August 30, 2005**. In order to correct the violation, the Respondents shall take the following remedial action:

SECURE THE POOL ACCORDING TO SEMINOLE COUNTY CODE AS THIS VIOLATION POSES AN EMINENT THREAT TO THE SAFETY, HEALTH AND WELFARE OF THE RESIDENTS OF THE COUNTY.

If the Respondents do not comply with the Order, a fine of **\$250.00** will be imposed for each day the violation continues, or is repeated after compliance past **August 30, 2005**. **The Respondents are further ordered to contact the Seminole County Code Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until such time as the Code Officer inspects the property and verifies compliance with this Order.**

This Order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the Respondents.

DONE AND ORDERED this 25th day of August, 2005, in Seminole County, Florida.

**TOM HAGOOD – YES
BILL FAHEY – YES
JAY AMMON – YES**

**LARRY LAWVER – YES
GRACE CHEWNING – YES**

MOTION CARRIED 5 – 0.

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Case No 05-66-CEB
Kirkman Properties LLC; Micah Bass, Registered Agent
Code Enforcement Officer: Joann Davids
Complaint No: 2004CE1096

New Case

Violation Charged: Seminole County Land Development Code, Chapter 95, Section 95.4 as defined in 95.3(o).
Described as: Unsecured pool.
Location: 910 Spring Valley Rd., Altamonte Springs (Commission District 3)
Tax Parcel ID # 22-21-29-506-0E00-0740

Joann Davids, Code Enforcement Officer, testified on behalf of the county and entered into evidence photographs of the violation. Officer Davids further testified that

Respondents installed orange temporary fencing, but that workers allegedly kept removing the orange fencing.

Officer Davids recommends that the Board issue an order that Respondents be in compliance by August 30, 2005, or a fine of \$250 per day would be imposed. Officer Davids indicated that she would convey to the Respondents the order of the Board.

Kirkman Properties LLC; Micah Bass, Registered Agent, Respondents, were not present at this hearing.

After discussion of this case by the Board:

**MOTION BY LARRY LAWVER, SECONDED BY JAY AMMON, THAT
THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER BE:**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 05-66-CEB, it is determined that the Respondents are:

- (a) the owners of record of the property (Tax Parcel ID # 22-21-29-506-0E00-0740) located at 910 Spring Valley Rd, Altamonte Springs, located in Seminole County and legally described as follows:

LEG LOT 74 BLK E SPRING VALLEY FARMS SEC 8
PB 15 PG 50

- (b) in possession or control of the property; and
- (c) in violation of Seminole County Code Chapter 40, Section 40.164 and Chapter 95, Section 95.4 as defined in Section 95.3(o).

It is hereby ordered that the Respondents correct the violation on or before **August 30, 2005**. In order to correct the violation, the Respondents shall take the following remedial action:

**SECURE THE POOL ACCORDING TO SEMINOLE COUNTY
CODE AS THIS VIOLATION POSES AN EMINENT THREAT TO
THE SAFETY, HEALTH AND WELFARE OF THE RESIDENTS OF
THE COUNTY.**

If the Respondents do not comply with the Order, a fine of **\$250.00** will be imposed for each day the violation continues, or is repeated after compliance past **August 30, 2005**. **The Respondents are further ordered to contact the Seminole County Code Officer to arrange for an inspection of the property to verify compliance. Any fine**

imposed shall continue to accrue until such time as the Code Officer inspects the property and verifies compliance with this Order.

This Order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the Respondents.

DONE AND ORDERED this 25th day of August, 2005, in Seminole County, Florida.

**TOM HAGOOD – YES
BILL FAHEY – YES
JAY AMMON – YES**

**LARRY LAWVER – YES
GRACE CHEWNING – YES**

MOTION CARRIED 5 – 0.

.....
Case No 05-70-CEB
Thomas M. Adams & Denise H. Adams
Thomas Adams
Code Enforcement Officer: Dorothy Hird
Complaint No: 5-001229

New Case

Violation Charged: Seminole County Code, Chapter 40, Section 40.164 and Chapter 95, Section 95.4 as defined in Section 95.3(o).
Described as: Unsecured pool.
Location: 2337 Worthington Road, Maitland (Commission District 4)
Tax Parcel ID # 20-21-30-505-0D00-0300

Dorothy Hird, Code Enforcement Officer, testified on behalf of the county and entered into evidence photographs of the violation. Officer Hird further testified that she inspected the property on August 24, 2005, and observed compliance. However, Officer Hird stated that the violation recurs from time to time.

Officer Hird recommended that the Board issue an Order that Respondents be in compliance by August 25, 2005 or a fine of \$250 per day will be imposed.

Thomas M. Adams & Denise H. Adams, Respondents, were not present at this hearing.

After discussion of this case by the Board:

**MOTION BY GRACE CHEWNING, SECONDED BY LARRY LAWVER , THAT
THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER BE:**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 05-70-CEB, it is determined that the Respondents are:

- (a) the owners of record of the property (Tax Parcel ID # 20-21-30-505-0D00-0300) located at 2337 Worthington Rd, Maitland, located in Seminole County and legally described as follows:

LEG ALL LOT 30 & W 3 FT OF LOT 29 & E 63 FT OF LOT
31 BLK D ENGLISH ESTATES UNIT 3
PB 14 PG 65

- (b) in possession or control of the property; and
(c) in violation of Seminole County Code Chapter 40, Section 40.164 and Chapter 95, Section 95.4 as defined in Section 95.3(o).

It is hereby ordered that the Respondents correct the violation on or before **August 25, 2005**. In order to correct the violation, the Respondents shall take the following remedial action:

**SECURE THE POOL ACCORDING TO SEMINOLE COUNTY
CODE AS THIS VIOLATION POSES AN EMINENT THREAT TO
THE SAFETY, HEALTH AND WELFARE OF THE RESIDENTS OF
THE COUNTY.**

If the Respondents do not comply with the Order, a fine of **\$250.00** will be imposed for each day the violation continues, or is repeated after compliance past **August 25, 2005**. **The Respondents are further ordered to contact the Seminole County Code Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until such time as the Code Officer inspects the property and verifies compliance with this Order.**

This Order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the Respondents.

DONE AND ORDERED this 25th day of August, 2005, in Seminole County, Florida.

TOM HAGOOD – YES
BILL FAHEY – YES
JAY AMMON – YES

LARRY LAWVER – YES
GRACE CHEWNING – YES

MOTION CARRIED 5 – 0.

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Case No 05-43-CEB
C & K Property Holdings LLC
Sharon M. Coatman, Registered Agent
Development Review: Brian Walker, Planner

New Case continued by Staff to August.

Violation Charged: Seminole County Land Development Code, Chapter 30, Part 64, Section 30.1228 and Section 30.1230, Chapter 40, Section 40.12(a) and Chapter 60, Part 2, Section 60.21.

Described as: 1) Removal of required trees within the landscape buffer.
2) Hedges are not being maintained properly within the landscape buffer. All hedges are required to be a minimum of 3' in height and shall provide a continuous and unbroken visual screen at the end of one year from time of planting.
3) Parking of vehicles in an unauthorized area.

Location: 195 W Highland St., Altamonte Springs (Commission District 3)
Tax Parcel ID # 01-21-29-5CK-670B-0170

Brian Walker, Planner with Development Review, testified on behalf of the county and entered into evidence photographs of the violation. Mr. Walker further testified the violations were all site-plan related.

Mr. Walker testified that Respondents were asked to comply on December 29, 2004, January 24, 2005, and August 17, 2005. The August 17, 2005 compliance date was arrived at when Respondents' attorney called and agreed to meet the conditions of the site plan by that date. Follow-up inspection on August 25, 2005 revealed that the trees and hedges had not been replaced within the buffer as required by the Seminole County Land Development Code.

Mr. Walker further testified that Respondents had put gravel down and there was parking within the landscape buffer, right-of-way, and tree island.

Mr. Walker testified that Respondents have been making efforts to restore the site to its original condition. Two trees have been replaced in the landscape island. The hedges have been replaced. Mr. Walker stated that at this point, Respondents should remove the gravel, replace the trees and the shrubbery around the trees, and remove all gravel in the right-of-way and replace the sod.

Mr. Walker recommended that the Board issue an Order that Respondents correct the violations on or before September 8, 2005 or a fine of \$250 per day would be imposed.

Jay Ammon inquired if a tree with a smaller diameter would be acceptable. Mr. Walker responded that a tree 8 feet tall and 2.5 inches in diameter, with an average diameter caliper of 3 inches, would be acceptable. Mr. Walker further testified that Respondents are zoned to the site plan, which states the approved number of trees.

C & K Property Holdings LLC; Sharon M. Coatman, Registered Agent, Respondents, were not present at this hearing.

After discussion of this case by the Board:

**MOTION BY JAY AMMON, SECONDED BY LARRY LAWVER, THAT
THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER BE:**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 05-43-CEB, it is determined that the Respondents are:

- (a) the owners of record of the property (Tax Parcel ID # 01-21-29-5CK-670B-0170) located at 195 Highland Street W, Altamonte Springs, located in Seminole County and legally described as follows:
LEG LOTS 17 & 18 BLK B TRACT 67 SANLANDO SPRINGS
PB 4 PG 65
- (b) in possession or control of the property; and
- (c) in violation of Seminole County Land Development Code Chapter 30, Part 64, Section 30.1228 and Section 30.1230, Chapter 40, Section 40.12(a), Chapter 60, Part 2, Section 60.21.

It is hereby ordered that the Respondents correct the violations on or before **September 8, 2005**. In order to correct the violations, the Respondents shall take the following remedial action:

RESTORE APPROVED SITE CONDITIONS BY REMOVING ALL GRAVEL IN THE RIGHT-OF-WAY AND REPLACING IT WITH SOD AND REPLACING ALL TREES AND HEDGES TO COMPLY WITH THE SITE PLAN DATED JANUARY 22, 2002 AND APPROVED ON FEBRUARY 5, 2002.

If the Respondents do not comply with the Order, a fine of **\$250.00** will be imposed for each day the violations continue, or are repeated after compliance past **September 8,**

2005. The Respondents are further ordered to contact the Seminole County Code Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until such time as the Code Officer inspects the property and verifies compliance with this Order.

This Order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violations exist and upon any other real or personal property owned by the Respondents.

DONE AND ORDERED this 25th day of August, 2005, in Seminole County, Florida.

**TOM HAGOOD – YES
BILL FAHEY – YES
JAY AMMON – YES**

**LARRY LAWVER – YES
GRACE CHEWNING – YES**

MOTION CARRIED 5 – 0.

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VII Approval of the minutes from the meeting of July 28, 2005.

MOTION BY LARRY LAWVER, SECONDED BY GRACE CHEWNING, TO APPROVE THE MINUTES FROM THE MEETING OF JULY 28, 2005.

**TOM HAGOOD – YES
BILL FAHEY – YES
JAY AMMON – YES**

**LARRY LAWVER – YES
GRACE CHEWNING – YES**

MOTION CARRIED 5 – 0.

VIII Confirmation date of next meeting: September 22, 2005

IX Old Business

**Case No: 01-05-CEB -- Katherine Cuyler.
Satisfaction of Fine executed by the Chair at this hearing.**

**Case No: 04-67-CEB – Isiah and Ethel L. Troutman c/o Annie Johnson.
Satisfaction of Fine executed by the Chair at this hearing.**

X New Business

Bill Fahey expressed to the Board his concern regarding timeline for compliance in pool violation cases. Code Enforcement Officer Debbie Leigh stated that the County can take measures to secure a pool if it is not corrected by the date set by the Board. Officer Leigh further stated that a violation that is an imminent danger can be taken care of and abated by the County without coming to the Code Enforcement Board. Code Enforcement Officer Joann Davids testified that an emergency meeting of the Board could also be called.

Grace Chewning asked if it would be appropriate to revisit the first two cases and make a motion stipulating a 30-day time period in which payment should be submitted. Attorney Yvette Brown advised that the respective Respondent(s) should be present for any change to the order. Attorney Brown recommended to staff that future orders should contain a date certain for payment of fines.

XI Adjourn – There being no further discussion, this meeting was adjourned at 4:20 p.m.

Respectfully submitted:

/s/ Sarah Kersey
Sarah Kersey
Clerk to the Code Enforcement Board

/s/ Tom Hagood
Tom Hagood
Chair

08-25-05 minutes